

General Assembly

Raised Bill No. 5403

February Session, 2010

LCO No. 1633

01633_____GAE

Referred to Committee on Government Administration and Elections

Introduced by: (GAE)

AN ACT CONCERNING REVISIONS TO THE CODE OF ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 1-79 of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective October 1, 2010*):
- 3 The following terms, when used in this part, shall have the
- 4 following meanings unless the context otherwise requires:
- 5 [(a)] (1) "Blind trust" means a trust established by a public official or
- 6 state employee or member of his immediate family for the purpose of
- 7 divestiture of all control and knowledge of assets.
- 8 [(b)] (2) "Business with which he is associated" means any sole
- 9 proprietorship, partnership, firm, corporation, trust or other entity
- 10 through which business for profit or not for profit is conducted in
- 11 which the public official or state employee or member of his
- 12 immediate family is a director, officer, owner, limited or general
- partner, beneficiary of a trust or holder of stock constituting five per
- 14 cent or more of the total outstanding stock of any class, provided, a

- public official or state employee, or member of his immediate family, 15 16 shall not be deemed to be associated with a not for profit entity solely 17 by virtue of the fact that the public official or state employee or
- 18 member of his immediate family is an unpaid director or officer of the
- 19 not for profit entity. "Officer" refers only to the president, executive or
- 20 senior vice president or treasurer of such business.
- 21 [(c)] (3) "Candidate for public office" means any individual who has
- 22 filed a declaration of candidacy or a petition to appear on the ballot for
- 23 election as a public official, or who has raised or expended money in
- 24 furtherance of such candidacy, or who has been nominated for
- 25 appointment to serve as a public official, but shall not include a
- 26 candidate for the office of senator or representative in Congress.
- 27 [(d)] (4) "Board" means the Citizen's Ethics Advisory Board
- 28 established in section 1-80, as amended by this act.
- 29 [(e)] (5) "Gift" means anything of value, which is directly and
- 30 personally received, unless consideration of equal or greater value is
- 31 given in return. "Gift" [shall] does not include:
- 32 [(1)] (A) A political contribution otherwise reported as required by
- 33 law or a donation or payment as described in subdivision (9) or (10) of
- 34 subsection (b) of section 9-601a;
- 35 [(2)] (B) Services provided by persons volunteering their time, if
- 36 provided to aid or promote the success or defeat of any political party,
- 37 any candidate or candidates for public office or the position of
- 38 convention delegate or town committee member or any referendum
- 39 question;
- 40 [(3)] (C) A commercially reasonable loan made on terms not more
- 41 favorable than loans made in the ordinary course of business;
- 42 [(4)] (D) A gift received from [(A)] (i) an individual's spouse, fiance
- 43 or fiancee, [(B)] (ii) the parent, brother or sister of such spouse or such
- 44 individual, or [(C)] (iii) the child of such individual or the spouse of

- 45 such child;
- 46 [(5)] (E) Goods or services [(A)] (i) which are provided to a state
- 47 agency or quasi-public agency [(i)] (I) for use on state or quasi-public
- 48 agency property, or [(ii)] (II) that support an event, and [(B)] (ii) which
- 49 facilitate state or quasi-public agency action or functions. As used in
- this subdivision, "state property" means [(i)] (I) property owned by the
- 51 state or a quasi-public agency, or [(ii)] (II) property leased to a state
- 52 agency or quasi-public agency;
- [(6)] (F) A certificate, plaque or other ceremonial award costing less
- 54 than one hundred dollars;
- [(7)] (G) A rebate, discount or promotional item available to the
- 56 general public;
- 57 [(8)] (H) Printed or recorded informational material germane to
- 58 state action or functions;
- [(9)] (I) Food or beverage or both, costing less than fifty dollars in
- 60 the aggregate per recipient in a calendar year, and consumed on an
- 61 occasion or occasions at which the person paying, directly or
- 62 indirectly, for the food or beverage, or his representative, is in
- 63 attendance;
- [(10)] (I) Food or beverage or both, costing less than fifty dollars per
- 65 person and consumed at a publicly noticed legislative reception to
- 66 which all members of the General Assembly are invited and which is
- 67 hosted not more than once in any calendar year by a lobbyist or
- 68 business organization. For the purposes of such limit, [(A)] (i) a
- reception hosted by a lobbyist who is an individual shall be deemed to
- have also been hosted by the business organization which he owns or
- 71 is employed by, and [(B)] (ii) a reception hosted by a business
- 72 organization shall be deemed to have also been hosted by all owners
- 73 and employees of the business organization who are lobbyists. In
- 74 making the calculation for the purposes of such fifty-dollar limit, the

donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception;

[(11)] (K) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, [(A)] (i) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and [(B)] (ii) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this subdivision, "region of the state" means the established geographic service area of the organization hosting the reception;

[(12)] (L) A gift, including but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event, provided any such gift provided by an individual who is not a member of the family of the recipient shall not exceed one thousand dollars in value;

[(13)] (M) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the state of Connecticut;

[(14)] (N) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participates in

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- 107 his or her official capacity, or at which a candidate for public office
- 108 participates in his or her capacity as a candidate, provided such
- 109 admission is provided by the primary sponsoring entity;
- 110 [(15)] (O) Anything of value provided by an employer of [(A)] (i) a
- 111 public official, [(B)] (ii) a state employee, [or (C)] (iii) a candidate for
- 112 public office, or (iv) a spouse of a public official or state employee, to
- such official, employee, candidate or spouse, provided such benefits 113
- 114 are customarily and ordinarily provided to others in similar
- 115 circumstances;
- 116 [(16)] (P) Anything having a value of not more than ten dollars,
- 117 provided the aggregate value of all things provided by a donor to a
- 118 recipient under this subdivision in any calendar year shall not exceed
- 119 fifty dollars; or
- 120 [(17)] (Q) Training that is provided by a vendor for a product
- 121 purchased by a state or quasi-public agency which is offered to all
- 122 customers of such vendor.
- 123 [(f)] (6) "Immediate family" means any spouse, children or
- 124 dependent relatives who reside in the individual's household.
- 125 [(g)] (7) "Individual" means a natural person.
- 126 [(h)] (8) "Member of an advisory board" means any individual [(1)]
- 127 (A) appointed by a public official as an advisor or consultant or
- 128 member of a committee, commission or council established to advise,
- 129 recommend or consult with a public official or branch of government
- 130 or committee thereof, [(2)] (B) who receives no public funds other than
- 131 per diem payments or reimbursement for his actual and necessary
- 132 expenses incurred in the performance of his official duties, and [(3)]
- 133 (C) who has no authority to expend any public funds or to exercise the
- 134 power of the state.
- 135 [(i)] (9) "Person" means an individual, sole proprietorship, trust,
- 136 corporation, limited liability company, union, association, firm,

- 137 partnership, committee, club or other organization or group of 138 persons.
- 139 [(j)] (10) "Political contribution" has the same meaning as in section 140 9-601a except that for purposes of this part, the provisions of 141 subsection (b) of [that] said section shall not apply.
- 142 [(k)] (11) "Public official" means any state-wide elected officer, any 143 member or member-elect of the General Assembly, any person 144 appointed to any office of the legislative, judicial or executive branch 145 of state government by the Governor or an appointee of the Governor, 146 with or without the advice and consent of the General Assembly, any 147 public member or representative of the teachers' unions or state 148 employees' unions appointed to the Investment Advisory Council 149 pursuant to subsection (a) of section 3-13b, any person appointed or 150 elected by the General Assembly or by any member of either house 151 thereof, any member or director of a quasi-public agency and the 152 spouse of the Governor, but shall not include a member of an advisory 153 board, a judge of any court either elected or appointed or a senator or 154 representative in Congress.
- 155 [(1)] (12) "Quasi-public agency" means the Connecticut Development 156 Authority, Connecticut Innovations, Incorporated, Connecticut Health 157 and Education Facilities Authority, Connecticut Higher Education 158 Authority, Connecticut Housing Supplemental Loan 159 Authority, [Connecticut] State Housing Authority, Connecticut 160 Resources Recovery Authority, Lower Fairfield County Convention 161 Center Authority, Capital City Economic Development Authority, 162 Bradley Board of Directors, Connecticut Transportation Strategy 163 Board, University of Connecticut Health Center Finance Corporation, 164 Tweed-New Haven Airport Authority and Connecticut Lottery 165 Corporation.
- 166 [(m)] (13) "State employee" means any employee in the executive, 167 legislative or judicial branch of state government, whether in the 168 classified or unclassified service and whether full or part-time, and any

- 171 [(n)] (14) "Trust" means a trust in which any public official or state 172 employee or member of his immediate family has a present or future 173 interest which exceeds ten per cent of the value of the trust or exceeds 174 fifty thousand dollars, whichever is less, but shall not include blind 175 trusts.
- 176 [(o)] (15) "Business organization" means a sole proprietorship, 177 corporation, limited liability company, association, firm or partnership, 178 other than a client lobbyist, which is owned by, or employs, one or 179 more individual lobbyists.
- [(p)] (16) "Client lobbyist" means a person on behalf of whom 180 181 lobbying takes place and who makes expenditures for lobbying and in 182 furtherance of lobbying.
- 183 [(q)] (17) "Necessary expenses" means a public official's or state 184 employee's expenses for an article, appearance or speech or for 185 participation at an event, in his official capacity, which shall be limited 186 to necessary travel expenses, lodging for the nights before, of and after 187 the appearance, speech or event, meals and any related conference or 188 seminar registration fees.
- 189 [(r)] (18) "Lobbyist" and "registrant" shall be construed as defined in 190 section 1-91, as amended by this act.
- 191 [(s)] (19) "Legal defense fund" means a fund established for the 192 payment of legal expenses of a public official or state employee 193 incurred as a result of defending himself or herself in an 194 administrative, civil, criminal or constitutional proceeding concerning 195 matters related to the official's or employee's service or employment 196 with the state or a quasi-public agency.
- 197 [(t)] (20) "State agency" means any office, department, board, 198 council, commission, institution, constituent unit of the state system of

higher education, vocational-technical school or other agency in the executive, legislative or judicial branch of state government.

- Sec. 2. Section 1-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- 203 (a) There shall be an Office of State Ethics that shall be an 204 independent state agency and shall constitute a successor agency to the 205 State Ethics Commission, in accordance with the provisions of sections 206 4-38d and 4-39. Said office shall consist of an executive director, 207 general counsel, ethics enforcement officer and such other staff as 208 hired by the executive director. Within the Office of State Ethics, there 209 shall be the Citizen's Ethics Advisory Board that shall consist of nine 210 members, appointed as follows: One member shall be appointed by the 211 speaker of the House of Representatives, one member by the president 212 pro tempore of the Senate, one member by the majority leader of the 213 Senate, one member by the minority leader of the Senate, one member 214 by the majority leader of the House of Representatives, one member by 215 the minority leader of the House of Representatives, and three 216 members by the Governor. [Members] <u>Each member</u> of the board shall 217 serve for a four-year [terms which shall commence on October 1, 2005] 218 term, except that (1) members first appointed for terms commencing 219 on October 1, 2005, shall have the following terms: The Governor shall 220 appoint two members for a term of three years and one member for a 221 term of four years; the majority leader of the House of Representatives, 222 minority leader of the House of Representatives and the speaker of the 223 House of Representatives shall each appoint one member for a term of 224 two years; the president pro tempore of the Senate, the majority leader 225 of the Senate and the minority leader of the Senate shall each appoint 226 one member for a term of four years, and (2) the term commencing 227 October 1, 2009, for the member appointed by the Governor and the 228 member appointed by the president pro tempore of the Senate, shall be 229 five years. Upon the expiration of such members' five-year terms, such 230 members may not be reappointed and any subsequent appointment to 231 the board by the Governor or president pro tempore of the Senate shall

232 be for a four-year term. Members appointed after October 1, 2009, may 233 be reappointed. [No individual shall be appointed to more than one 234 four-year term as a member of the board, provided, members] 235 Members may not continue in office once their term has expired, [and 236 members first appointed not be reappointed] provided they may serve 237 until a successor is appointed or adjudicate at a hearing under 238 subsection (b) of section 1-82 that commenced during such member's 239 term of office. A member may serve no more than two full terms. No 240 more than five members shall be members of the same political party. 241 The members appointed by the majority leader of the Senate and the 242 majority leader of the House of Representatives shall be selected from 243 a list of nominees proposed by a citizen group having an interest in 244 ethical government. The majority leader of the Senate and the majority 245 leader of the House of Representatives shall each determine the citizen 246 group from which each will accept such nominations. One member 247 appointed by the Governor shall be selected from a list of nominees 248 proposed by a citizen group having an interest in ethical government. 249 The Governor shall determine the citizen group from which the 250 Governor will accept such nominations.

- (b) All members shall be electors of the state. No member shall be a state employee. No member or employee of [such] <u>said</u> board shall (1) hold or campaign for any public office; (2) have held public office or have been a candidate for public office for a three-year period prior to appointment; (3) hold office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies; or (4) be an individual who is a registrant as defined in [subsection (q) of] section 1-91, as amended by this act. For purposes of this subsection, "public office" does not include the offices of justice of the peace or notary public.
- (c) Any vacancy on the board shall be filled by the appointing authority having the power to make the original appointment. An individual selected by the appointing authority to fill a vacancy shall

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be eligible for appointment to one full four-year term thereafter. Any vacancy occurring on the board shall be filled within thirty days.

- (d) The board shall elect a chairperson who shall, except as provided in subsection (b) of section 1-82 and subsection (b) of section 1-93, preside at meetings of the board and a vice-chairperson to preside in the absence of the chairperson. Six members of the board shall constitute a quorum. Except as provided in subdivision (3) of subsection (a) of section 1-81, as amended by this act, subsections (a) and (b) of section 1-82, subsection (b) of section 1-88, [subdivision (5)] subsection (e) of section 1-93 and subsection (b) of section 1-99, a majority vote of the members shall be required for action of the board. The chairperson or any three members may call a meeting.
- (e) Any matter before the board, except hearings held pursuant to the provisions of subsection (b) of section 1-82 or subsection (b) of section 1-93, may be assigned by the board to two of its members to conduct an investigation or hearing, as the case may be, to ascertain the facts and report thereon to the board with a recommendation for action.
- (f) Members of the board shall be compensated at the rate of two hundred dollars per day for each day they attend a meeting or hearing and shall receive reimbursement for their necessary expenses incurred in the discharge of their official duties.
- (g) The board shall not be construed to be a board or commission within the meaning of section 4-9a.
 - (h) The members and employees of the Citizen's Ethics Advisory Board and the Office of State Ethics shall adhere to the following code of ethics under which the members and employees shall: (1) Observe high standards of conduct so that the integrity and independence of the Citizen's Ethics Advisory Board and the Office of State Ethics may be preserved; (2) respect and comply with the law and conduct

296 themselves at all times in a manner which promotes public confidence 297 in the integrity and impartiality of the board and the Office of State 298 Ethics; (3) be faithful to the law and maintain professional competence 299 in the law; (4) be unswayed by partisan interests, public clamor or fear 300 of criticism; (5) maintain order and decorum in proceedings of the 301 board and Office of State Ethics; (6) be patient, dignified and courteous 302 to all persons who appear in board or Office of State Ethics 303 proceedings and with other persons with whom the members and 304 employees deal in their official capacities; (7) refrain from making any 305 statement outside of a board or Office of State Ethics proceeding, which would have a likelihood of prejudicing a board or Office of State 306 307 Ethics proceeding; (8) refrain from making any statement outside of a 308 board or Office of State Ethics proceeding that a reasonable person 309 would expect to be disseminated by means of public communication if 310 the member or employee should know that such statement would 311 have a likelihood of materially prejudicing or embarrassing a 312 complainant or a respondent; (9) preserve confidences of complainants 313 and respondents; (10) exercise independent professional judgment on 314 behalf of the board and Office of State Ethics; and (11) represent the 315 board and Office of State Ethics competently.

- (i) No member or employee of the board or Office of State Ethics may make a contribution, as defined in section 9-601a, to any person subject to the provisions of this part.
- (j) Members of the board shall recuse themselves from participating in any proceeding or matter undertaken pursuant to this chapter that involves the person who appointed such member to the board.
- (k) No <u>former</u> member of the board may represent any business or person, other than himself or herself, before the board for a period of one year following the end of such <u>former</u> member's service on the board. No business or person that appears before the board shall employ or otherwise engage the services of a former member of the board for a period of one year following the end of such former

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- (l) No <u>former</u> member of the board may hold any other position in state employment for a period of one year following the end of such <u>former</u> member's service on the board, including, but not limited to, service as a member on a state board or commission, service as a judge of the Superior Court or service as a state agency commissioner.
 - (m) Upon request of any aggrieved party, the board shall delay the effect of any decision rendered by the board for a period not to exceed more than seven days following the rendering of such decision.
- (n) Each person appointed to the board, shall sign a certification
 indicating that such person is aware of the provisions contained in
 subsections (b) and (h) to (l), inclusive, of this section. Each such
 person shall file such certification with the Office of State Ethics prior
 to taking the oath of office as a member of the board.
- Sec. 3. Subsection (a) of section 1-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- 345 (a) The board and general counsel and staff of the Office of State 346 Ethics shall:
- 347 (1) Compile and maintain an index of all reports, advisory opinions, 348 informal staff letters, memoranda issued in accordance with subsection 349 (b) of section 1-82 and statements filed by and with the Office of State 350 Ethics to facilitate public access to such reports and advisory opinions, 351 informal staff letters, memoranda statements as provided by this part;
- 352 (2) Preserve advisory opinions and informal staff letters, 353 permanently; preserve memoranda issued in accordance with 354 subsection (b) of section 1-82 and statements and reports filed by and 355 with the board for a period of five years from the date of receipt;
- 356 (3) Upon the concurring vote of a majority of the board present and

- 357 voting, issue advisory opinions with regard to the requirements of this 358 part or part IV of this chapter, upon the request of any person subject 359 to the provisions of this part or part IV of this chapter, and publish 360 such advisory opinions in the Connecticut Law Journal. Advisory 361 opinions rendered by the board, until amended or revoked, shall be 362 binding on the board and shall be deemed to be final decisions of the 363 board for purposes of appeal to the superior court, in accordance with 364 the provisions of section 4-175 or 4-183. Any advisory opinion 365 concerning the person who requested the opinion and who acted in 366 reliance thereon, in good faith, shall be binding upon the board, and it 367 shall be an absolute defense in any criminal action brought under the 368 provisions of this part or part IV of this chapter, that the accused acted 369 in reliance upon such advisory opinion;
- 370 (4) Respond to inquiries and provide advice regarding the code of 371 ethics either verbally or through informal letters;
- 372 (5) Provide yearly training to all state employees regarding the code 373 of ethics;
- 374 (6) Make legislative recommendations to the General Assembly and 375 report annually, [prior to April] <u>not later than February</u> fifteenth, to the 376 Governor summarizing the activities of the [commission] <u>Office of</u> 377 State Ethics;
- 378 (7) Meet not less than once per month with the office's executive 379 director and ethics enforcement officer; and
- 380 (8) The [commission] <u>Office of State Ethics</u> may enter into such 381 contractual agreements as may be necessary for the discharge of its 382 duties, within the limits of its appropriated funds and in accordance 383 with established procedures.
- Sec. 4. Subsection (e) of section 1-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

- (e) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the board or the general counsel, ethics enforcement officer or staff of the Office of State Ethics under the provisions of this part or section 1-101nn, as amended by this act. After receipt of information from an individual under the provisions of this part or section 1-101nn, as amended by this act, the Office of State Ethics shall not disclose the identity of such individual without such individual's consent unless the Office of State Ethics determines that such disclosure is unavoidable during the course of an investigation. No person shall be subject to civil liability for any good faith disclosure that such person makes to the [commission] Office of State Ethics.
- Sec. 5. Subsection (a) of section 1-83 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- 402 (a) (1) All state-wide elected officers, members of the General 403 Assembly, department heads and their deputies, members of the 404 Gaming Policy Board, the executive director of the Division of Special 405 Revenue within the Department of Revenue Services, members or 406 directors of each quasi-public agency, members of the Investment 407 Advisory Council, state marshals and such members of the Executive 408 Department and such employees of quasi-public agencies as the 409 Governor shall require, shall file, under penalty of false statement, a 410 statement of financial interests for the preceding calendar year with the 411 Office of State Ethics on or before [the] May first [next in] following 412 any year in which they hold such [a] an office or position. Any such 413 individual who leaves his or her office or position shall file a statement 414 of financial interests covering that portion of the year during which 415 such individual held his or her office or position. The Office of State 416 Ethics shall notify such individuals of the requirements of this 417 subsection not later than thirty days after their departure from such 418 office or position. Such individuals shall file such statement [within] 419 not later than sixty days after receipt of the notification.

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- 420 (2) Each state agency, department, board and commission shall 421 develop and implement, in cooperation with the Office of State Ethics, 422 an ethics statement as it relates to the mission of the agency, 423 department, board or commission. The executive head of each such 424 agency, department, board or commission shall be directly responsible 425 for the development and enforcement of such ethics statement and 426 shall file a copy of such ethics statement with the Department of 427 Administrative Services and the Office of State Ethics.
- 428 Sec. 6. Subsection (c) of section 1-84 of the 2010 supplement to the 429 general statutes is repealed and the following is substituted in lieu 430 thereof (Effective October 1, 2010):
- 431 (c) No public official or state employee shall wilfully and knowingly 432 disclose, for financial gain, to any other person, confidential 433 information acquired by him in the course of and by reason of his 434 official duties or employment and no public official or state employee 435 shall use his public office or position or any confidential information 436 received through his holding such public office or position to obtain 437 financial gain for himself, his spouse, child, child's spouse, parent, 438 brother or sister, employer other than the state or a business with 439 which he is associated.
- 440 Sec. 7. Subsection (j) of section 1-84 of the 2010 supplement to the 441 general statutes is repealed and the following is substituted in lieu 442 thereof (Effective October 1, 2010):
- 443 (j) No public official, state employee or candidate for public office, 444 or a member of any such person's staff or immediate family shall 445 knowingly accept any gift, as defined in [subsection (e) of] subdivision 446 (5) of section 1-79, as amended by this act, from a person known to be a 447 registrant or anyone known to be acting on behalf of a registrant.
- 448 Sec. 8. Subsection (m) of section 1-84 of the 2010 supplement to the 449 general statutes is repealed and the following is substituted in lieu 450 thereof (Effective October 1, 2010):

- 451 (m) No public official or state employee shall knowingly accept, 452 directly or indirectly, any gift, as defined in [subsection (e)] 453 subdivision (5) of section 1-79, as amended by this act, from any 454 person the public official or state employee knows or has reason to 455 know: (1) Is doing business with or seeking to do business with the 456 department or agency in which the public official or state employee is 457 employed; (2) is engaged in activities which are directly regulated by 458 such department or agency; or (3) is pregualified under section 4a-100. 459 No person shall knowingly give, directly or indirectly, any gift or gifts 460 in violation of this provision. For the purposes of this subsection, the 461 exclusion to the term "gift" in [subdivision (12) of subsection (e)] 462 subparagraph (L) of subdivision (5) of section 1-79, as amended by this 463 act, for a gift for the celebration of a major life event shall not apply. 464 Any person prohibited from making a gift under this subsection shall 465 report to the Office of State Ethics any solicitation of a gift from such 466 person by a state employee or public official.
- Sec. 9. Subsection (p) of section 1-84 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
 - (p) (1) No public official or state employee or member of the immediate family of a public official or state employee shall knowingly accept, directly or indirectly, any gift or gifts costing one hundred dollars or more in the aggregate in any calendar year from a public official or state employee who is under the supervision of such public official or state employee.
 - (2) No public official or state employee or member of the immediate family of a public official or state employee shall knowingly accept, directly or indirectly, any gift or gifts costing one hundred dollars or more in the aggregate in any calendar year from a public official or state employee who is a supervisor of such public official or state employee.
- 482 (3) No public official or state employee shall knowingly give,

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- 484 this subsection.
- 485 Sec. 10. Subsection (q) of section 1-84 of the 2010 supplement to the
- 486 general statutes is repealed and the following is substituted in lieu
- 487 thereof (Effective October 1, 2010):
- 488 (q) No public official or state employee shall knowingly counsel,
- 489 authorize or otherwise sanction action that violates any provision of
- 490 this part.
- 491 Sec. 11. Section 1-84b of the 2010 supplement to the general statutes
- 492 is amended by adding subsection (l) as follows (Effective October 1,
- 493 2010):
- 494 (NEW) (1) Each executive branch or quasi-public agency official or
- 495 employee, prior to entering such service or employment, respectively,
- 496 shall sign a certification containing the prohibitions set forth in
- 497 subsections (a) to (f), inclusive, of this section and indicating that such
- 498 official or employee is aware of the prohibitions contained in said
- 499 subsections.
- 500 Sec. 12. Section 1-84c of the general statutes is repealed and the
- 501 following is substituted in lieu thereof (*Effective October 1, 2010*):
- 502 Nothing in this chapter shall prohibit the donation of goods or
- 503 services, as described in [subdivision (5) of subsection (e)]
- 504 subparagraph (E) of subdivision (5) of section 1-79, as amended by this
- 505 act, to a state agency or quasi-public agency, the donation of the use of
- 506 facilities to facilitate state agency or quasi-public agency action or
- 507 functions or the donation of real property to a state agency or quasi-
- 508 public agency. As used in this section, "state agency" and "quasi-public
- 509 agency" have the same meanings as provided in section 1-79, as
- 510 amended by this act.
- 511 Sec. 13. Section 1-85 of the general statutes is repealed and the
- 512 following is substituted in lieu thereof (*Effective October 1, 2010*):

A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, his other employer or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, his other employer or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

Sec. 14. Subsection (a) of section 1-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Any public official or state employee, other than an elected state official, who, in the discharge of such official's or employee's official duties, would be required to take an action that would affect a financial interest of such official or employee, such official's or employee's spouse, parent, brother, sister, child or the spouse of a child, employer other than the state or a business with which such official or employee is associated, other than an interest of a de minimis nature, an interest that is not distinct from that of a substantial segment of the general public or an interest in substantial conflict with the performance of official duties as defined in section 1-85, as amended by this act, has a potential conflict of interest. Under such circumstances, such official or employee shall, if such official or

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employee is a member of a state regulatory agency, either excuse himself or herself from the matter or prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and explaining why despite the potential conflict, such official or employee is able to vote and otherwise participate fairly, objectively and in the public interest. Such public official or state employee shall deliver a copy of the statement to the Office of State Ethics and enter a copy of the statement in the journal or minutes of the agency. If such official or employee is not a member of a state regulatory agency, such official or employee shall, in the case of either a substantial or potential conflict, prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to such official's or employee's immediate superior, if any, who shall assign the matter to another employee, or if such official or employee has no immediate superior, such official or employee shall take such steps as the Office of State Ethics shall prescribe or advise.

- Sec. 15. Subsection (d) of section 1-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 566 October 1, 2010):
- 567 (d) Any person who knowingly acts in such person's financial 568 interest in violation of section 1-84, as amended by this act, 1-85, as 569 amended by this act, 1-86, as amended by this act, [or] 1-86d, 1-86e or 1-101nn, as amended by this act, or any person who knowingly 570 571 receives a financial advantage resulting from a violation of any of said 572 sections shall be liable for damages in the amount of such advantage. If 573 the board determines that any person may be so liable, it shall 574 immediately inform the Attorney General of that possibility.
- Sec. 16. Section 1-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- When used in this part, unless the context otherwise requires:

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- [(a)] (1) "Administrative action" means any action or nonaction of any executive agency of the state with respect to the proposal, drafting, development, consideration, amendment, adoption or repeal of any rule, regulation or utility rate, and any action or nonaction of any executive agency or quasi-public agency, as defined in section 1-79, as amended by this act, regarding a contract, grant, award, purchasing agreement, loan, bond, certificate, license, permit or any other matter which is within the official jurisdiction or cognizance of such an agency.
- 587 [(b)] (2) "Candidate for public office" means any person who has 588 filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, or who has raised or expended money in 589 590 furtherance of such candidacy, or who has been nominated for 591 appointment to serve as a public official; but shall not include a 592 candidate for the office of senator or representative in Congress.
- 593 [(c)] (3) "Board" means the Citizen's Ethics Advisory Board 594 established under section 1-80, as amended by this act.
- 595 [(d)] (4) "Compensation" means any value received or to be received 596 by a person acting as a lobbyist, whether in the form of a fee, salary or 597 forbearance.
- 598 [(e)] (5) "Executive agency" means a commission, board, agency, or 599 other body or official in the executive branch of the state government 600 and any independent body of the state government that is not a part of the legislative or judicial branch.
 - [(f)] (6) "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, unless expressly excluded; any payments for telephone, mailing, postage, printing and clerical or office services and materials; communications, costing fifty dollars or more in any calendar year, disseminated by means of any printing, broadcasting or other refer medium, provided such communications to pending

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- [(g)] (7) "Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. "Gift" [shall] does not include:
- [(1)] (A) A political contribution otherwise reported as required by law or a donation or payment described in subdivision (9) or (10) of subsection (b) of section 9-601a;
- [(2)] (B) Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;
- [(3)] (C) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- [(4)] (D) A gift received from [(A)] (i) the individual's spouse, fiance or fiancee, [(B)] (ii) the parent, brother or sister of such spouse or such individual, or [(C)] (iii) the child of such individual or the spouse of

- 640 such child;
- [(5)] (E) Goods or services [(A)] (i) which are provided to a state
- agency or quasi-public agency [(i)] (I) for use on state or quasi-public
- agency property, or [(ii)] (II) that support an event, and [(B)] (ii) which
- 644 facilitate state or quasi-public agency action or functions. As used in
- 645 this subdivision, "state property" means [(i)] property owned by the
- state or a quasi-public agency, or [(ii)] property leased to a state or
- 647 quasi-public agency;
- [(6)] (F) A certificate, plaque or other ceremonial award costing less
- 649 than one hundred dollars;
- [(7)] (G) A rebate, discount or promotional item available to the
- 651 general public;
- [(8)] (H) Printed or recorded informational material germane to
- state action or functions;
- [(9)] (I) Food or beverage or both, costing less than fifty dollars in
- 655 the aggregate per recipient in a calendar year, and consumed on an
- 656 occasion or occasions at which the person paying, directly or
- 657 indirectly, for the food or beverage, or his representative, is in
- 658 attendance;
- [(10)] (J) Food or beverage or both, costing less than fifty dollars per
- 660 person and consumed at a publicly noticed legislative reception to
- which all members of the General Assembly are invited and which is
- 662 hosted not more than once in any calendar year by a lobbyist or
- business organization. For the purposes of such limit, [(A)] (i) a
- reception hosted by a lobbyist who is an individual shall be deemed to
- have also been hosted by the business organization which he owns or
- 666 is employed by, and [(B)] (ii) a reception hosted by a business
- organization shall be deemed to have also been hosted by all owners
- and employees of the business organization who are lobbyists. In
- making the calculation for the purposes of such fifty-dollar limit, the

670 donor shall divide the amount spent on food and beverage by the 671 number of persons whom the donor reasonably expects to attend the 672 reception;

[(11)] (K) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, [(A)] (i) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and [(B)] (ii) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this [subdivision] subparagraph, "region of the state" means the established geographic service area of the organization hosting the reception;

[(12)] (L) A gift, including, but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event, provided any such gift provided by an individual who is not a member of the family of the recipient shall not exceed one thousand dollars in value;

[(13)] (M) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the state of Connecticut;

[(14)] (N) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participates in

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- 702 his or her official capacity, or at which a candidate for public office
- 703 participates in his or her capacity as a candidate, provided such
- 704 admission is provided by the primary sponsoring entity;
- 705 [(15)] (O) Anything of value provided by an employer of [(A)] (i) a 706 public official, [(B)] (ii) a state employee, or [(C)] (iii) a spouse of a 707 public official, [or] state employee or candidate for public office, to 708 such official, employee, candidate or spouse, provided such benefits 709 are customarily and ordinarily provided to others in similar 710
- 711 [(16)] (P) Anything having a value of not more than ten dollars, 712 provided the aggregate value of all things provided by a donor to a 713 recipient under this subdivision in any calendar year shall not exceed 714 fifty dollars; or
- 715 [(17)] (Q) Training that is provided by a vendor for a product 716 purchased by a state or quasi-public agency which is offered to all 717 customers of such vendor.
- 718 [(h)] (8) "Immediate family" means any spouse, dependent children 719 or dependent relatives who reside in the individual's household.
- 720 [(i)] (9) "Individual" means a natural person.
- 721 [(i)] (10) "Legislative action" means introduction, sponsorship, 722 consideration, debate, amendment, passage, defeat, approval, veto, 723 overriding of a veto or any other official action or nonaction with 724 regard to any bill, resolution, amendment, nomination, appointment, 725 report, or any other matter pending or proposed in a committee or in 726 either house of the legislature, or any matter which is within the 727 official jurisdiction or cognizance of the legislature.
- 728 [(k)] (11) "Lobbying" means communicating directly or soliciting 729 others to communicate with any official or his staff in the legislative or 730 executive branch of government or in a quasi-public agency, for the 731 purpose of influencing any legislative or administrative action except

circumstances;

732 that the term "lobbying" does not include [(1)] (A) communications by 733 or on behalf of a party to, or an intervenor in, a contested case, as 734 described in regulations adopted by the commission in accordance 735 with the provisions of chapter 54, before an executive agency or a 736 quasi-public agency, as defined in section 1-79, as amended by this act, 737 [(2)] (B) communications by a representative of a vendor or by an 738 employee of the registered client lobbyist which representative or 739 employee acts as a salesperson and does not otherwise engage in 740 lobbying regarding any administrative action, [(3)]741 communications by an attorney made while engaging in the practice of 742 law and regarding any matter other than legislative action as defined 743 in [subsection (j)] subdivision (10) of this section or the proposal, 744 drafting, development, consideration, amendment, adoption or repeal 745 of any rule or regulation, or [(4)] (D) other communications exempted 746 by regulations adopted by the commission in accordance with the 747 provisions of chapter 54.

- [(1)] (12) "Lobbyist" means a person who in lobbying and in furtherance of lobbying makes or agrees to make expenditures, or receives or agrees to receive compensation, reimbursement, or both, and such compensation, reimbursement or expenditures are [two] three thousand dollars or more in any calendar year or the combined amount thereof is [two] three thousand dollars or more in any such calendar year. Lobbyist shall not include:
- 755 [(1)] (A) A public official, employee of a branch of state government 756 or a subdivision thereof, or elected or appointed official of a 757 municipality or his designee other than an independent contractor, 758 who is acting within the scope of his authority or employment;
- 759 [(2)] (B) A publisher, owner or an employee of the press, radio or 760 television while disseminating news or editorial comment to the 761 general public in the ordinary course of business;
- 762 [(3)] (C) An individual representing himself or another person 763 before the legislature or a state agency other than for the purpose of

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- 764 influencing legislative or administrative action;
- [(4)] (D) Any individual or employee who receives no compensation or reimbursement specifically for lobbying and who limits his activities solely to formal appearances to give testimony before public sessions of committees of the General Assembly or public hearings of state agencies and who, if he testifies, registers his appearance in the records of such committees or agencies;
- [(5)] (E) A member of an advisory board acting within the scope of his appointment;
- [(6)] (F) A senator or representative in Congress acting within the scope of his office;
- 775 Any person who receives no compensation 776 reimbursement specifically for lobbying and who spends no more than 777 five hours in furtherance of lobbying unless such person [(A)] (i) 778 exclusive of salary, receives compensation or makes expenditures, or 779 both, of [two] three thousand dollars or more in any calendar year for 780 lobbying or the combined amount thereof is [two] three thousand 781 dollars or more in any such calendar year, or [(B)] (ii) expends fifty 782 dollars or more for the benefit of a public official in the legislative or 783 executive branch, a member of his staff or immediate family;
 - [(8)] (H) A communicator lobbyist who receives or agrees to receive compensation, reimbursement, or both, the aggregate amount of which is less than [two] three thousand dollars from each client in any calendar year.
- [(m)] (13) "Member of an advisory board" means any person appointed by a public official as an advisor or consultant or member of a committee, commission or council established to advise, recommend or consult with a public official or branch of government or committee thereof and who receives no public funds other than per diem payments or reimbursement for his actual and necessary expenses

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- incurred in the performance of his official duties and who has no authority to expend any public funds or to exercise the power of the state.
- [(n)] (14) "Person" means an individual, a business, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.
- [(o)] (15) "Political contribution" has the same meaning as in section 9-601a except that for purposes of this part, the provisions of subsection (b) of [that] said section shall not apply.
 - [(p)] (16) "Public official" means any state-wide elected state officer, any member or member-elect of the General Assembly, any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor, with or without the advice and consent of the General Assembly, the spouse of the Governor and any person appointed or elected by the General Assembly or any member of either house thereof; but shall not include a member of an advisory board or a senator or representative in Congress.
- [(q)] (17) "Registrant" means a person who is required to register pursuant to section 1-94, as amended by this act.
- [(r)] (18) "Reimbursement" means any money or thing of value received or to be received in the form of payment for expenses as a lobbyist, not including compensation.
- [(s)] (19) "State employee" means any employee in the executive, judicial or legislative branch of state government, whether in the classified or unclassified service and whether full or part-time.
- [(t)] (20) "Business organization" means a sole proprietorship, corporation, limited liability company, association, firm or partnership, other than a client lobbyist, which is owned by, or employs one or more individual lobbyists.

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- [(u)] (21) "Client lobbyist" means a [lobbyist] <u>person</u> on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.
- [(v)] (22) "Communicator lobbyist" means a lobbyist who communicates directly or solicits others to communicate with an official or his staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing legislative or administrative action.
- [(w)] (23) "State agency" means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, vocational-technical school or other agency in the executive, legislative or judicial branch of state government.
- [(x)] (24) "Quasi-public agency" means quasi-public agency, as defined in section 1-79, as amended by this act.
- Sec. 17. Subsection (a) of section 1-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* October 1, 2010):
 - (a) The Citizen's Ethics Advisory Board shall adopt regulations, in accordance with chapter 54, to carry out the purposes of this part. Such regulations shall not be deemed to govern the conduct of any judge trial referee in the performance of such judge trial referee's duties pursuant to this chapter. Not later than January 1, 1992, the board shall adopt regulations which further clarify the meaning of the terms "directly and personally received" and "major life event", as used in [subsection (e)] subdivision (5) of section 1-79, as amended by this act, and [subsection (g)] subdivision (7) of section 1-91, as amended by this act.
- Sec. 18. Subsection (e) of section 1-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* October 1, 2010):

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- (e) Upon the concurring vote of a majority of its members present and voting, the board shall issue advisory opinions with regard to the requirements of this part or part III of this chapter, upon the request of any person, subject to the provisions of this part or part III of this chapter, and publish such advisory opinions in the Connecticut Law Journal. Advisory opinions rendered by the board, until amended or revoked, shall be binding on the board and shall be deemed to be final decisions of the board for purposes of appeal to the superior court, in accordance with the provisions of section 4-175 or 4-183. Any advisory opinion concerning any person subject to the provisions of this part who requested the opinion and who acted in reliance thereon, in good faith, shall be binding upon the board, and it shall be an absolute defense in any criminal action brought under the provisions of this part or part III of this chapter that the accused acted in reliance upon such advisory opinion.
- 868 Sec. 19. Section 1-94 of the general statutes is repealed and the 869 following is substituted in lieu thereof (*Effective July 1, 2010*):
- 870 (a) A lobbyist shall register with the Office of State Ethics pursuant 871 to this part if it or he:
 - (1) Receives or agrees to receive compensation or reimbursement for actual expenses, or both, in a combined amount of [two] three thousand dollars or more in a calendar year for lobbying, whether that receipt of compensation or reimbursement or agreement to receive such compensation or reimbursement is solely for lobbying or the lobbying is [incidental to that] within the scope of such person's [regular] employment; or
 - (2) Makes or incurs an obligation to make expenditures of [two] three thousand dollars or more in a calendar year for lobbying.
- 881 (b) Any person who lobbies in the scope of such person's 882 employment shall maintain a record of his or her time and 883 expenditures in furtherance of lobbying for the purpose of reporting

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- Sec. 20. Section 1-95 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):
 - (a) Each registrant shall file every two years with the Office of State Ethics on a registration form signed under penalty of false statement on or before January fifteenth of odd-numbered years or prior to the commencement of lobbying whichever is later. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. Such registration shall be on a form prescribed by the board and shall include:
 - (1) If the registrant is an individual, the registrant's name, permanent address and temporary address while lobbying and the name, address and nature of business of any person who compensates or reimburses, or agrees to compensate or reimburse the registrant and the terms of the compensation, reimbursement or agreement, but shall not include the compensation paid to an employee for his involvement in activities other than lobbying;
 - (2) If the registrant is a corporation, the name, address, place of incorporation and the principal place of business of the corporation;
 - (3) If the registrant is an association, group of persons or an organization, the name and address of the principal officers and directors of such association, group of persons or organization. If the registrant is formed primarily for the purpose of lobbying, it shall disclose the name and address of any person contributing [two] three thousand dollars or more to the registrant's lobbying activities in any calendar year;
 - (4) If the registrant is not an individual, the name and address of each individual who will lobby on the registrant's behalf; and
- 912 (5) The identification, with reasonable particularity, of areas of 913 legislative or administrative action on which the registrant expects to

- lobby, including the names of executive agencies and quasi-public agencies and, where applicable, solicitations for state contracts and procurements.
- (b) Each registrant shall pay a reasonable fee not in excess of the cost of administering the registration form provided for in subsection (a) of this section plus the cost of collecting, filing, copying and distributing the information filed by registrants under section 1-96, as amended by this act, but not less than twenty-five dollars. A registrant who commences lobbying in an even-numbered year shall file with the Office of State Ethics, on or before January fifteenth of such even-numbered year or prior to the commencement of lobbying, whichever is later, a registration form signed under penalty of false statement and shall pay one-half of the biennial registration fee established by the board.
 - (c) Each registrant shall file a notice of termination within thirty days after he ceases the activity that required his registration, provided the registrant does not intend to resume the activity during the biennial period for which he is registered; but termination shall not relieve him of the reporting requirements of section 1-96, as amended by this act, for the period preceding the date his notice of termination is received by the Office of State Ethics or for the period commencing on such date and ending on December thirty-first of the year in which termination occurs.
 - (d) In addition to the requirements of subsections (a) to (c), inclusive, of this section, the registration of a: (1) Client lobbyist, as defined in section 1-91, as amended by this act, shall include: (A) The name of such company or association, (B) the nature of such company or association, (C) the primary business address of such company or association, (D) the name of the person responsible for oversight of such client lobbyist's lobbying activities, (E) the job title of such person and any applicable contact information for such person, including, but not limited to, phone number, facsimile number, electronic mail

address and business mailing address; and (2) communicator lobbyist, as defined in section 1-91, <u>as amended by this act</u>, shall include the name of the person with whom such communicator lobbyist has primary contact for each client of such communicator lobbyist and any applicable contact information for such person, including, but not limited to, phone number, facsimile number, electronic mail address and business mailing address.

- Sec. 21. Section 1-96 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- (a) Each client lobbyist registrant shall file with the Office of State Ethics between the first and tenth day of April, July and January a financial report, signed under penalty of false statement. The April and July reports shall cover its lobbying activities during the previous calendar quarter and the January report shall cover its lobbying activities during the previous two calendar quarters. In addition to such reports, each client lobbyist registrant which attempts to influence legislative action shall file, under penalty of false statement, interim monthly reports of its lobbying activities for each month the General Assembly is in regular session, except that no monthly report shall be required for any month in which it neither expends nor agrees to expend one hundred dollars or more in furtherance of lobbying. Such interim monthly reports shall be filed with the Office of State Ethics no later than the tenth day of the month following the last day of the month reported. If the client lobbyist registrant is not an individual, an authorized officer or agent of the client lobbyist registrant shall sign the form. A communicator lobbyist for a municipality or any subdivision of a municipality, a branch of state government or any subdivision of state government or a quasi-public agency shall file the reports described in this subsection utilizing the client lobbyist reporting schedule.
- 976 (b) Each individual communicator lobbyist registrant and each 977 business organization communicator lobbyist registrant shall file

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annually with the Office of State Ethics between the first and tenth day of January a report or reports, signed under penalty of false statement, reporting the amounts of compensation and reimbursement received from each of his clients during the previous year. In addition, each individual communicator lobbyist registrant and each business organization communicator lobbyist registrant shall: (1) Report the fundamental terms of contracts, agreements or promises to pay or receive compensation or reimbursement or to make expenditures in furtherance of lobbying, including the categories of work to be performed and the dollar value or compensation rate of the contract, at the time of registration; (2) report, in accordance with the schedule set forth in subsection (a) of this section, any amendments to these fundamental terms, including any agreements to subcontract lobbying work; and (3) report, in accordance with the provisions of subsection (a) of this section, any expenditures for the benefit of a <u>candidate for</u> public office, public official or state employee in the legislative or executive branch, [or] a member of the staff or immediate family of such candidate, official or employee which are unreimbursed and required to be itemized. Such report shall not include any expenditures for the benefit of a candidate for public office, public official or state employee in the legislative or executive branch who is (A) the spouse, fiancée or fiancé of the individual communicator lobbyist making the expenditure, (B) the parent, brother or sister of such spouse or such individual communicator lobbyist, or (C) the child of such individual communicator lobbyist or the spouse of such child. Such report shall not include the disclosure of food and beverage provided by a communicator lobbyist registrant to a candidate for public office, public official or state employee in the legislative or executive branch, or a member of [his] the staff or immediate family of such candidate official or employee, at a major life event, as defined by the Citizen's Ethics Advisory Board, of the registrant. All such information shall be reported under penalty of false statement.

(c) An individual communicator lobbyist registrant shall file a separate report for each person from whom he received compensation

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or reimbursement. Notwithstanding any provision of this subsection to the contrary, a business organization to which one or more individual communicator lobbyist registrants belong may file a single report for each client lobbyist in lieu of any separate reports that individual registrants are required to file pursuant to this subsection.

- (d) Each registrant who files a notice of termination under subsection (c) of section 1-95, as amended by this act, shall file with the Office of State Ethics a financial report, under penalty of false statement, between the first and tenth day of January of the year following termination.
- (e) Each client lobbyist registrant financial report shall be on a form prescribed by the board and shall state expenditures made and the fundamental terms of contracts, agreements or promises to pay compensation or reimbursement or to make expenditures in furtherance of lobbying. Any such fundamental terms shall be reported once in the monthly, quarterly or post-termination report next following the entering into of such contract. Such financial report shall include an itemized statement of each expenditure of ten dollars or more per person for each occasion made by the reporting registrant or a group of registrants which includes the reporting registrant for the benefit of a <u>candidate for public office</u>, public official <u>or state employee</u> in the legislative or executive branch, a member of [his] the staff or immediate family of such candidate, official or employee, itemized by date, beneficiary, amount and circumstances of the transaction. The requirement of an itemized statement shall not apply to an expenditure made by a reporting registrant or a group of registrants which includes the reporting registrant for (1) the benefit of the members of the General Assembly at an event that is a reception to which all such members are invited or all members of a region of the state, as such term is used in [subdivision (11) of subsection (g)] subdivision (7) of section 1-91, as amended by this act, are invited, unless the expenditure is thirty dollars or more per person, or (2) benefits personally and directly received by a candidate for public

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office, public official or state employee at a charitable or civic event at which the public official or state employee participates in his or her official capacity, or at which a candidate for public office participates in his or her capacity as a candidate, unless the expenditure is thirty dollars or more per person, per event. If the compensation is required to be reported for an individual whose lobbying is [incidental to his regular] within the scope of such person's employment, it shall be sufficient to report a prorated amount based on the value of the time devoted to lobbying. On the first financial report following registration each client lobbyist registrant shall include any expenditures incident to lobbying activities which were received or expended prior to registration and not previously reported to the Office of State Ethics.

- (f) The Citizen's Ethics Advisory Board shall, by regulations adopted in accordance with chapter 54, establish minimum amounts for each item required to be reported, below which reporting may be made in the aggregate. The provisions of this subsection shall not apply to expenditures made for the benefit of a public official or a member of such person's staff or immediate family.
- (g) Each former registrant shall (1) report receipts or expenditures incident to lobbying activities during his period of registration which are received or expended following termination of registration and (2) report each expenditure of ten dollars or more per person for each occasion made by him for the benefit of a <u>candidate</u>, public official, <u>state employee in the legislative or executive branch</u> or a member of [such official's] <u>the immediate family or staff of such candidate</u>, <u>official or employee</u> which occurs within six months after termination of registration.
- (h) The Office of State Ethics shall, [within] <u>not later than</u> thirty days after receipt of a financial report which contains the name of a <u>candidate for public office</u>, public official <u>or state employee</u> in the legislative or executive branch or a member of [such official's] <u>the</u> staff or immediate family <u>of such candidate</u>, <u>official or employee</u>, send a

- Sec. 22. Section 1-96d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- 1081 Each registrant or business organization that hosts a legislative 1082 reception to which all members are invited, or all members of a region 1083 in the state, as such term is used in subparagraph (K) of subdivision 1084 [(11) of subsection (g)] (7) of section 1-91, as amended by this act, are 1085 invited, shall include in its invitation or any published notice of such 1086 reception whether the registrant or business organization reasonably 1087 expects such expenditures to be reportable pursuant to subsection (e) 1088 of section 1-96, as amended by this act.
- Sec. 23. Subsection (a) of section 1-97 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- (a) No registrant or anyone acting on behalf of a registrant shall knowingly give a gift, as defined in [subsection (g)] <u>subdivision (7)</u> of section 1-91, <u>as amended by this act</u>, to any state employee, public official, candidate for public office or a member of any such person's staff or immediate family. Nothing in this section shall be construed to permit any activity prohibited under section 53a-147 or 53a-148.
- Sec. 24. Subsection (a) of section 1-100b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 1100 October 1, 2010):
- (a) The Office of State Ethics, upon a finding that a communicator lobbyist has violated the provisions of subsection [(i)] (h) of section 9-610, may suspend [said] such lobbyist's registration for a period of not more than the remainder of the term of such registration and may prohibit [said] such lobbyist from engaging in the profession of lobbyist for a period of not more than three years.

- 1110 (c) The Office of State Ethics shall make any finding under 1111 subsection (a) or (b) of this section in accordance with the same 1112 procedure set forth in section 1-93 for a finding by the [commission] board of a violation of part II of chapter 10. 1113
- 1114 Sec. 26. Subsection (c) of section 1-101nn of the general statutes is 1115 repealed and the following is substituted in lieu thereof (Effective 1116 October 1, 2010):
- 1117 (c) Any person who [violates] is found in violation of any provision 1118 of this section by the Office of State Ethics pursuant to section 1-82, as 1119 amended by this act, may be deemed a nonresponsible bidder by a 1120 state agency, board, commission or institution or quasi-public agency.
- 1121 Sec. 27. Section 2-16a of the general statutes is repealed and the 1122 following is substituted in lieu thereof (*Effective October 1, 2010*):
- 1123 No state representative or state senator who is elected at the 1994 1124 state election or any election thereafter shall engage in the profession 1125 of lobbyist, as that term is defined in [subsection (1)] subdivision (12) of 1126 section 1-91, as amended by this act, until one year after the expiration 1127 of the term for which such state representative or state senator was 1128 elected.
- 1129 Sec. 28. Subsection (b) of section 3-13*l* of the general statutes is 1130 repealed and the following is substituted in lieu thereof (Effective 1131 October 1, 2010):
- 1132 (b) For purposes of this section:
- 1133 (1) "Finder's fee" means compensation in the form of cash, cash 1134 equivalents or other things of value paid to or received by a third party in connection with an investment transaction to which the state, any 1135

1136 political subdivision of the state or any quasi-public agency, as defined 1137 in section 1-120, is a party for any services, and includes, but is not 1138 limited to, any fee paid for lobbying, as defined in [subsection (k)] 1139 subdivision (11) of section 1-91, as amended by this act, and as defined 1140 by the Citizen's Ethics Advisory Board, in consultation with the 1141 Treasurer, in the regulations adopted under subparagraph (C)(ii) of 1142 subdivision (3) of this subsection or as prescribed by the Treasurer 1143 until such regulations are adopted.

(2) "Finder's fee" does not mean (A)(i) compensation earned for the rendering of investment services, as defined in subsection (f) of section 9-612, or for acting as a licensed real estate broker or real estate sales person under the provisions of section 20-312, or under a comparable statute of the jurisdiction in which the subject property is located, or (ii) marketing fees or due diligence fees earned by the payee in connection with the offer, sale or purchase of any security or investment interest, in accordance with criteria prescribed under subparagraph (C)(ii) of subdivision (3) of this subsection, (B) compensation paid to (i) persons who are investment professionals engaged in the ongoing business of representing investment services providers, or (ii) third parties for services connected to the issuance of debt by the state, any political subdivision of the state or any quasipublic agency, as defined in section 1-120, and (C) any compensation which is so defined by the regulations adopted under subparagraph (C)(ii) of subdivision (3) of this subsection, or any compensation which meets criteria prescribed by the Treasurer until such regulations are adopted. As used in this section, "offer" and "sale" have the meaning provided in section 36b-3.

(3) "Investment professional" means an individual or firm whose primary business is bringing together institutional funds and investment opportunities and who (A) is a broker-dealer or investment adviser agent licensed or registered (i) under the Connecticut Uniform Securities Act; (ii) in the case of an investment adviser agent, with the Securities and Exchange Commission, in accordance with the

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1169 Investment Advisors' Act of 1940; or (iii) in the case of a broker-dealer, 1170 with the National Association of Securities Dealers in accordance with 1171 the Securities Exchange Act of 1934, or (B) is licensed under section 20-1172 312, or under a comparable statute of the jurisdiction in which the 1173 subject property is located, or (C) (i) furnishes an investment manager 1174 with marketing services including, but not limited to, developing an 1175 overall marketing strategy focusing on more than one institutional 1176 fund, designing or publishing marketing brochures or other 1177 presentation material such as logos and brands for investment 1178 products, responding to requests for proposals, completing due 1179 diligence questionnaires, identifying a range of potential investors, or 1180 such other services as may be identified in regulations adopted under 1181 clause (ii) of this subparagraph; and (ii) meets criteria prescribed (I) by 1182 the Treasurer until regulations are adopted under this subparagraph, 1183 or (II) by the Citizen's Ethics Advisory Board, in consultation with the 1184 Treasurer, in regulations adopted in accordance with the provisions of 1185 chapter 54. Prior to adopting such regulations, the Citizen's Ethics 1186 Advisory Board shall transmit the proposed regulations to the 1187 Treasurer not later than one hundred twenty days before any period 1188 for public comment on such regulations commences and shall consider 1189 any comments or recommendations the Treasurer may have regarding 1190 such regulations. In developing such regulations, the Citizen's Ethics 1191 Advisory Board shall ensure that the state will not be competitively 1192 disadvantaged by such regulations relative to any legitimate financial 1193 market.

- Sec. 29. Section 4-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- 1196 As used in sections 4-250 to 4-252, as amended by this act:
- (1) "Gift" has the same meaning as provided in section 1-79, as amended by this act, except that the exclusion in [subdivision (12) of subsection (e)] subparagraph (L) of subdivision (5) of [said] section 1-79, as amended by this act, for a gift for the celebration of a major life

- 1201 event shall not apply;
- 1202 (2) "Quasi-public agency", "public official" and "state employee"
- 1203 have the same meanings as provided in section 1-79, as amended by
- 1204 this act;
- 1205 (3) "State agency" means any office, department, board, council,
- 1206 commission, institution or other agency in the executive, legislative or
- 1207 judicial branch of state government;
- 1208 (4) "Large state contract" means an agreement or a combination or
- 1209 series of agreements between a state agency or a quasi-public agency
- 1210 and a person, firm or corporation, having a total value of more than
- 1211 five hundred thousand dollars in a calendar or fiscal year, for (A) a
- 1212 project for the construction, alteration or repair of any public building
- 1213 or public work, (B) services, including, but not limited to, consulting
- 1214 and professional services, (C) the procurement of supplies, materials or
- 1215 equipment, (D) a lease, or (E) a licensing arrangement. The term "large
- 1216 state contract" shall not include a contract between a state agency or a
- 1217 quasi-public agency and a political subdivision of the state;
- 1218 (5) "Principals and key personnel" means officers, directors,
- 1219 shareholders, members, partners and managerial employees; and
- (6) "Participated substantially" means participation that is direct, 1220
- 1221 extensive and substantive, and not peripheral, clerical or ministerial.
- 1222 Sec. 30. Subsection (b) of section 4e-34 of the general statutes is
- 1223 repealed and the following is substituted in lieu thereof (Effective
- 1224 October 1, 2010):
- 1225 (b) Causes for such disqualification shall include the following:
- 1226 (1) Conviction of, or entry of a plea of guilty or nolo contendere or
- 1227 admission to, the commission of a criminal offense as an incident to
- 1228 obtaining or attempting to obtain a public or private contract or
- 1229 subcontract, or in the performance of such contract or subcontract;

- 1230 (2) Conviction of, or entry of a plea of guilty or nolo contendere or 1231 admission to, the violation of any state or federal law for 1232 embezzlement, theft, forgery, bribery, falsification or destruction of 1233 records, receiving stolen property or any other offense indicating a 1234 lack of business integrity or business honesty which affects 1235 responsibility as a state contractor;
- 1236 (3) Conviction of, or entry of a plea of guilty or nolo contendere or 1237 admission to, a violation of any state or federal antitrust, collusion or 1238 conspiracy law arising out of the submission of bids or proposals on a 1239 public or private contract or subcontract;
- 1240 (4) Accumulation of two or more suspensions pursuant to section 1241 4e-35 within a twenty-four-month period;
- 1242 (5) A wilful, negligent or reckless failure to perform in accordance 1243 with the terms of one or more contracts or subcontracts, agreements or 1244 transactions with state contracting agencies;
- 1245 (6) A history of failure to perform or of unsatisfactory performance 1246 on one or more public contracts, agreements or transactions with state 1247 contracting agencies;
- 1248 (7) A wilful violation of a statutory or regulatory provision or 1249 requirement applicable to a contract, agreement or transaction with 1250 state contracting agencies;
- 1251 (8) A wilful or egregious violation of the ethical standards set forth 1252 in sections 1-84, as amended by this act, [and] 1-86e [,] and 1-101nn, as 1253 amended by this act, as determined by the Citizen's Ethics Advisory 1254 Board: or
- 1255 (9) Any other cause or conduct the board determines to be so 1256 serious and compelling as to affect responsibility as a state contractor, 1257 including, but not limited to:
- 1258 (A) Disqualification by another state for cause;

- (B) The fraudulent or criminal conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor, bidder or proposer of such contractor, bidder or proposer, provided such conduct occurred in connection with the individual's performance of duties for or on behalf of such contractor, bidder or proposer and such contractor, bidder or proposer knew or had reason to know of such conduct;
 - (C) The existence of an informal or formal business relationship with a contractor who has been disqualified from bidding or proposing on state contracts of any state contracting agency.
- Sec. 31. Section 12-557d of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
 - (a) There shall be a Gaming Policy Board within the Division of Special Revenue. Said board shall consist of five members appointed by the Governor with the advice and consent of both houses of the General Assembly. Not more than three members of said board in office at any one time shall be members of the same political party. On or before July 1, 1979, the Governor shall nominate three members who shall serve until July 1, 1981, and two members who shall serve until July 1, 1983. The General Assembly shall confirm or reject such nominations in the manner prescribed by section 4-7 before adjournment sine die of the 1979 regular session, except that if the nominations cannot be acted on by both houses of the General Assembly during said regular session, the General Assembly shall confirm or reject the nominations at a special session which shall be called, notwithstanding sections 2-6 and 2-7, immediately following adjournment sine die of the 1979 session reconvened in accordance with article third of the amendments to the Constitution of Connecticut, except that if no session is held pursuant to said article, the General Assembly shall meet in special session, notwithstanding sections 2-6 and 2-7, not later than August 1, 1979, to confirm or reject

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1291 such nominations. Any special session called pursuant to this section 1292 shall be held for the sole purpose of confirming or rejecting the initial 1293 nominations made by the Governor to the board. Thereafter members 1294 shall serve for a term of four years and the procedure prescribed by 1295 section 4-7 shall apply to such appointments, except that the Governor 1296 shall submit such nominations on or before May first, and both houses 1297 shall confirm or reject the nominations before adjournment sine die. 1298 Members shall receive fifty dollars per day for each day they are 1299 engaged in the business of the board and shall be reimbursed for 1300 necessary expenses incurred in the performance of their duties. The 1301 executive director shall serve on the board ex officio without voting 1302 rights.

- (b) To insure the highest standard of legalized gambling regulation at least four of the board members shall have training or experience in at least one of the following fields: Corporate finance, economics, law, accounting, law enforcement, computer science or the pari-mutuel industry. At least two of these fields shall be represented on the board at any one time.
- (c) No board member shall accept any form of employment by a business organization regulated under this chapter for a period of two years following the termination of his service as a board member. The provisions of sections 1-82, as amended by this act, 1-82a and 1-88, as amended by this act, shall apply to any alleged violation of this subsection.
 - (d) No board member shall engage in any oral ex parte communications with any representative, agent, officer or employee of any business organization regulated under this chapter concerning any matter pending or impending before the board.
 - (e) The members of the board shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political organization or political club, campaigning for a candidate in a partisan election by making speeches,

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- writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and
- money to political parties.
- 1326 (f) The Division of Special Revenue shall provide staff support for the board.
- 1328 Sec. 32. Subsection (k) of section 16-2 of the general statutes is
- 1329 repealed and the following is substituted in lieu thereof (Effective
- 1330 *October 1, 2010*):
- (k) No commissioner of the authority shall, for a period of one year
- 1332 following the termination of his or her service as a commissioner,
- accept employment: (1) By a public service company or by any person,
- 1334 firm or corporation engaged in lobbying activities with regard to
- 1335 governmental regulation of public service companies; (2) by a certified
- telecommunications provider or by any person, firm or corporation
- engaged in lobbying activities with regard to governmental regulation
- of persons, firms or corporations so certified; or (3) by an electric
- 1339 supplier or by any person, firm or corporation engaged in lobbying
- activities with regard to governmental regulation of electric suppliers.
- No such commissioner who is also an attorney shall in any capacity,
- 1342 appear or participate in any matter, or accept any compensation
- 1343 regarding a matter, before the authority, for a period of one year
- 1344 following the termination of his or her service as a commissioner. <u>The</u>
- provisions of sections 1-82, as amended by this act, 1-82a and 1-88, as
- amended by this act, shall apply to any alleged violation of this
- 1347 <u>subsection.</u>
- 1348 Sec. 33. (NEW) (Effective July 1, 2010) The Office of State Ethics shall
- adopt regulations, in accordance with the provisions of chapter 54 of
- the general statutes, to establish guidelines for the determination of
- when lobbying is within the scope of a person's employment, as
- described in sections 1-94 and 1-96 of the general statutes, as amended
- 1353 by this act. Such regulations shall, at a minimum, address the
- distinction between a person who is specifically directed by such

person's employer to lobby and a person who is not specifically directed by such person's employer to lobby.

This act sha sections:	all take effect as follows	and shall amend the following	
Section 1	October 1, 2010	1-79	
Sec. 2	October 1, 2010	1-80	
Sec. 3	October 1, 2010	1-81(a)	
Sec. 4	from passage	1-82(e)	
Sec. 5	October 1, 2010	1-83(a)	
Sec. 6	October 1, 2010	1-84(c)	
Sec. 7	October 1, 2010	1-84(j)	
Sec. 8	October 1, 2010	1-84(m)	
Sec. 9	October 1, 2010	1-84(p)	
Sec. 10	October 1, 2010	1-84(q)	
Sec. 11	October 1, 2010	1-84b	
Sec. 12	October 1, 2010	1-84c	
Sec. 13	October 1, 2010	1-85	
Sec. 14	October 1, 2010	1-86(a)	
Sec. 15	October 1, 2010	1-88(d)	
Sec. 16	October 1, 2010	1-91	
Sec. 17	October 1, 2010	1-92(a)	
Sec. 18	October 1, 2010	1-92(e)	
Sec. 19	July 1, 2010	1-94	
Sec. 20	July 1, 2010	1-95	
Sec. 21	October 1, 2010	1-96	
Sec. 22	October 1, 2010	1-96d	
Sec. 23	October 1, 2010	1-97(a)	
Sec. 24	October 1, 2010	1-100b(a)	
Sec. 25	from passage	1-100b(c)	
Sec. 26	October 1, 2010	1-101nn(c)	
Sec. 27	October 1, 2010	2-16a	
Sec. 28	October 1, 2010	3-13l(b)	
Sec. 29	October 1, 2010	4-250	
Sec. 30	October 1, 2010	4e-34(b)	
Sec. 31	October 1, 2010	12-557d	
Sec. 32	October 1, 2010	16-2(k)	
Sec. 33	July 1, 2010	New section	

Statement of Purpose:

To allow notaries public and justices of the peace to serve on the Citizen's Ethics Advisory Board, to stagger appointments to said board, to allow reappointments to the board, to permit members of said board to serve to adjudicate at a board hearing for a pending matter, to require prospective members of said board to certify that they are aware of the special restrictions of the Code of Ethics for Public Officials that would apply to them, to permit the Office of State Ethics to recover the amount of any financial benefit received by a state contractor for certain violations, to add a violation of section 1-101nn of the general statutes to the list of violations that are grounds for disqualifying a state contractor, to clarify that a violation of said section is grounds for being deemed a nonresponsible bidder, to give the Office of State Ethics the authority to interpret Parts III and IV of chapter 10 of the general statutes, to limit gift giving between supervisors and subordinates to one hundred dollars per year, to limit the violation contained in section 1-84 of the general statutes to knowing violations, to give the Office of State Ethics the ability to enforce the revolving door restrictions applying to former Gaming Policy Board members and Department of Public Utility Control Commissioners, to increase the threshold for lobbyist registration to \$3,000, to require lobbyists to report gifts to state employees, to exempt candidates for public office from gift restrictions concerning admission to charitable and civic events or certain benefits provided by an employer, to limit certain lobbyist registration and reporting requirements to those who lobby within the scope of employment, to replace inaccurate references to the State Ethics Commission, to add other agencies to the definition of quasi-public agencies, to change certain reporting dates, to add employer other than the state to the conflict of interest provisions, and to require each prospective executive branch or quasi-public agency official or employee to sign a certification confirming their awareness of the applicable ethics laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]